

RULES OF ORDER.

RULES OF THE SENATE.

QUORUM.

1. Two-thirds of all the Senators elected shall constitute a quorum, but a smaller number may adjourn from day to day, and compel the attendance of absent members. (Constitution, Art. III, Sec 16.)

2. In case a less number shall convene, the members present may send the Sergeant-at-arms, or any other person or persons, for any or all absent members.

ABSENTEES.

3. No member shall absent himself from the sessions of the Senate without leave, unless he be sick or unable to attend.

4. A call of the Senate may be demanded by five members, and if there be any absent the names of the absentees shall be called again. If they do not answer, the Sergeant-at-arms, or a special messenger, may be sent for them, and the question pending shall be, without a motion, laid on the table until the absentees appear, or the call be suspended.

OFFICERS OF THE SENATE.

5. The Lieutenant-Governor of the State shall, by virtue of his office, be President of the Senate. (Constitution, Art. IV, Sec. 16.)

6. The Senate shall, at the beginning and close of each session, and at such other times as may be necessary, elect one of its members President *pro tempore*, who shall perform the duties of Lieutenant-Governor in any case of absence or disability of that officer, and whenever the said office of Lieutenant-Governor shall be vacant. (Constitution, Art. III, Sec. 9.)

7. The Lieutenant-Governor, or President for the time being, shall have the right to name a member to perform the duties of

the chair; but such substitution shall not extend beyond an adjournment.

8. The President of the Senate shall have control of such parts of the Capitol as have been, or may be, set apart for the use of the Senate and its officers.

9. A Secretary, Assistant Secretary, Sergeant-at-arms, Door-keeper, and Enrolling and Engrossing Clerks, and such other officers as a majority vote may determine to be necessary, shall be elected the first session of the Legislature, to continue in office until discharged by the Senate.

OPEN DOORS.

10. The doors of the Senate shall be kept open, except when there is an executive session. (Constitution, Art. III, Sec. 16.)

ORDER OF BUSINESS.

11. The presiding officer shall take the chair at the hour to which the Senate last adjourned.

12. The names of the Senators shall be called alphabetically; should a quorum not be in attendance, a majority of those present shall be authorized to send the Sergeant-at-arms, or a special messenger, for the absentees; when there is a quorum assembled, the journal of the preceding day shall be read, and corrected, if necessary. (Constitution, Art. III, Sec. 10.)

13. The President shall then call: *first*, for petitions and memorials; *second*, for reports from standing committees; *third*, for reports from select committees; *fourth*, for bills and resolutions, which shall conclude the morning call, and which the President shall announce to the Senate; *fifth*, for the special order; *sixth*, for House' bills for reference to appropriate committees, when reference is necessary; *seventh*, for unfinished business; *eighth*, for bills on third reading; *ninth*, for bills on second reading; *tenth*, for bills reported from committees; *eleventh*, for business on the table; which shall be disposed of in the order in which they were presented; unless otherwise directed by the Senate.

DECORUM AND DEBATE.

14. When a Senator is about to speak in debate, or to communicate any matter to the Senate, he shall address the President, standing in his place; and when he has finished, shall sit down.

15. When two or more members rise to address the chair, the President shall name the person to speak; but in all cases the member who shall first rise and address the chair shall speak first.

16. No member shall speak more than once in any one debate until every member desiring to do so shall have spoken; nor shall any member speak more than twice in any one debate without leave of the Senate.

17. When a member shall be called to order by the President, or by a Senator, he shall sit down, and not be allowed to speak, except to the point of order, until the question of order be decided. If the decision be in his favor, he shall be at liberty to proceed; if otherwise, he shall not proceed without leave of the Senate.

18. If a member be called to order for using exceptionable words, they shall immediately be taken down in writing, that the President may be better enabled to judge of them.

19. Every question of order shall, in the first instance, be decided by the President, from whose decision any member may appeal to the Senate.

20. While the President is putting a question, or addressing the Senate, he shall not be interrupted.

21. While a member is speaking, no other member shall interrupt him, except by leave, to explain, nor shall a member speak to any one, or walk across the floor, or otherwise interrupt the business of the Senate. No smoking shall be allowed in the Senate Chamber during the session of the Senate.

22. When a question is under debate no motion shall be received, except: *first*, to adjourn; *second*, to reconsider; *third*, for the previous question, the seconding of which shall not cut off a call of the house; *fourth*, to amend; *fifth*, to commit; *sixth*, to lay on the table; *seventh*, to postpone for a time certain; *eighth*, to postpone indefinitely; which several motions shall have precedence in the order in which they stand arranged.

23. No debate shall be allowed on a motion to lay on the table, for the previous question, or to adjourn.

24. The Senate may punish any member for disorderly conduct, and, with the consent of two-thirds, may expel a member, but not a second time for the same offense. (Constitution, Art. III, Sec. 11.)

25. The Senate, during its session, may imprison, for forty-eight hours, any person not a member, for disrespectful or dis-

orderly conduct in its presence, or for obstructing any of its proceedings. (Constitution, Art. III, Sec. 15.)

26. Any member who shall receive or offer a bribe, or who shall suffer his vote influenced by promise, or preferment, or reward, shall, on conviction, be expelled.

BILLS.

27. No bill shall have the force of a law until it has been read on three several days in each house, and free discussion allowed thereon; but in cases of imperative public necessity (which necessity shall be stated in a preamble, or in the body of the bill), four-fifths of the house in which the bill may be pending may suspend this rule, the yeas and nays being taken on the question of suspension and entered upon the journals. (Constitution, Art. III, Sec. 32.)*

* NOTE 1.—*Hon. J. D. Sayers, President of the Senate:* The Committee on Rules, to whom was referred "resolution that the rules be amended as follows: Any bill or resolution originating in the House of Representatives may be amended on its first reading to the extent of adding an emergency and public necessity clause, provided for in the Constitution, Section 32 and Section 89," have had the same under consideration, and instruct me to report:

That in the opinion of the committee the power of the house to suspend the constitutional rule requiring every bill to be read on three several days does not depend upon the form, the clause, or the verbiage of the particular bill, but upon the existence of such particular fact, or state of facts, as shall, in the opinion of the requisite number of members of the house in which the bill is pending, authorize such suspension of the rule. That the direction, in the sections of the Constitution referred to, that the particular public necessity, and the particular emergency, should be expressed in the preamble or in the body of the bill, is fully satisfied by incorporating a statement thereof either on the second or third reading of a bill.

NOTE 2.—*Hon. J. D. Sayers, President of the Senate:* The Committee on Rules, having been instructed by the Senate to report to the Senate what, in the opinion of the committee, is the proper construction of the term "read," as used in Senate rule No. 27, and especially to report whether said rule requires a bill to be read *in extenso*, in case four-fifths of the Senate suspend the same, and having fully considered that subject, instruct me to report:

That in the opinion of the committee, the proper construction of the term "read," as used in said rule, is that the bill shall be taken into consideration by the Senate, and final action be had thereon on the main question arising on the bill at its stage in which it may be when so taken into consideration, pending which reading in the Senate the bill may be read by the clerk for the information of the members, either at length or by caption, at the pleasure of the Senate. That in all cases not embraced in the exception to the general rule the President of the Senate having announced the bill,

28. The President shall, at each reading, announce whether the bill originated in the Senate or House of Representatives, and whether it be the first, second, or third reading.

29. A bill when introduced may be read at length, for information, or by its caption, and in either case it shall be referred to a committee. The first reading of the bill, as contemplated by the Constitution, shall be the first reading after it is reported by a committee, and no motion to reject a bill shall be made until it has been reported upon by a committee.

30. The first reading of a bill shall be for information, upon which a motion to reject will be in order; if no motion to reject be made, the bill will pass to its second reading without a question. The main question on a second reading of a bill, if it be a Senate bill, shall be, "Shall this bill be engrossed?" and if it be a House bill, "Shall this bill pass to a third reading?"

31. No bill shall be considered unless it has first been referred to a committee and reported thereon; and no bill shall be passed which has not been presented and referred to a committee at least three days before the final adjournment of the Legislature. (Constitution, Art. 3, Sec. 37.)

32. No amendment shall be received at the third reading of a bill without the consent of two-thirds of the members present.

33. It shall be in order at the third reading of a bill to move its reference to a committee; and should such motion prevail, and any amendment be reported by the committee, the said bill shall be considered as on its second reading.

stating in which house it originated, and whether it be on its first, second, or third reading, the clerk should be required to read the caption of the bill, and should proceed to read the bill at length, unless, on motion, the reading of the bill be dispensed with by unanimous consent. In cases embraced in the exception, and where the rule has, by the required vote, been suspended, the Senate proceeds to act on the bill in such manner as the President, subject to control by the vote of a majority of the members of the Senate, may direct. The committee are, however, of opinion that in all such cases, where the full contents of the bill have not been read by the clerk since the consideration of any other business by the Senate, the reading at length should proceed, as in ordinary cases, unless, on motion, a majority of the Senate order otherwise. The committee are of the opinion that upon any such suspension of the rules provided for in the exception, the bill is before the Senate on the reading next in order to the last one had thereon, and when the main question on the reading of the bill has been voted, no further reading thereof can be had on that day without a further like suspension of the rules, and that the bill is not "passed" until it has received its three several readings.

Respectfully submitted.

McCORMICK, *Chairman.*

34. The presiding officer of each house shall, in the presence of the house over which he presides, sign all bills and joint resolutions passed by the Legislature after their titles have been publicly read before signing, and the fact of signing shall be entered upon the journals. (Constitution, Art. III, Sec. 38.)

BILLS THAT HAVE PASSED THE SENATE AND BEEN AMENDED IN
THE HOUSE OF REPRESENTATIVES.

35. When the House of Representatives shall adopt and send to the Senate a substitute for a bill that had previously passed the Senate and been sent to the House, said substitute shall be acted on by the Senate in the same manner as a bill that originated in the House of Representatives.

36. (Rescinded, April 15, 1879.)

RESOLUTIONS.

37. Every resolution that requires the approval of the Governor shall be subject to the rules that govern the proceedings on bills.

38. All resolutions, except those named in the preceding rules, shall be acted on upon their introduction.

AMENDMENTS TO THE CONSTITUTION.

39. All amendments proposed to the Constitution shall be subject to the rules that govern proceedings on bills, except that they shall in all cases be read on three several days, and shall only be passed by a vote of two-thirds of the members elected to the Senate. (Constitution, Art. XVII, Sec. 1.) When a proposed amendment to the Constitution may be under consideration, the votes of the majority of the members present shall be sufficient to decide an amendment thereto, or any collateral or incidental question short of the final question.

MOTIONS.

40. All motions shall be reduced to writing and read by the secretary, if desired by the presiding officer or any Senator present.

41. After a motion has been stated by the President, or read by the Secretary, it shall be deemed to be in possession of

the Senate; but it may be withdrawn at any time before it has been amended or decided.

42. On motion to fix a sum or state a time, the largest sum and the longest time shall have precedence.

43. Any member may have the question before the Senate divided, if it be susceptible of a division, into distinct questions.

44. If the question in debate contains several points, any member may have the same divided; but on a motion to strike out and insert, it shall not be in order to move for a division of the question; but the rejection of a motion to strike out and insert one proposition shall not prevent a motion to strike out and insert a different proposition; nor prevent a subsequent motion simply to strike out; nor shall the rejection of a motion simply to strike out prevent a subsequent motion to strike out and insert.

45. No motion to postpone, or to commit, having been once decided, shall be again allowed on the same day, at the same stage of a bill or other question before the Senate.

46. No motion to admit any person whomsoever within the bar of the Senate shall be in order.

PETITIONS AND MEMORIALS.

47. Before any petition or memorial, addressed to the Senate, shall be received and read at the table, a brief, verbal statement of its contents may be made by the person presenting it.

PROTESTS.

48. Any member shall have liberty to dissent from any act or resolution which he may think injurious to the public or an individual, and have the reasons for dissent entered on the journal.

REPORTS.

49. All reports shall be in writing.

50. It shall be in order for the Committees on Engrossed and Enrolled Bills to report at any time.

51. All reports, except reports from Committees on Engrossed and Enrolled Bills, shall, after being read, lie on the table one day for consideration, unless committed.

52. When a committee shall report an original bill, such bill shall be read with the report, and shall be indorsed by the Secretary as having been read the first time.

COMMITMENT.

53. Motions in writing, reports, and all resolutions, except such as require the approval of the Governor, may be committed at the pleasure of the Senate.

54. When several motions shall be made for reference of a subject to a committee, they shall have preference in the following order: *First*, to a committee of the whole Senate; *second*, to a standing committee; *third*, to a select committee.

RECONSIDERATION.

55. After a question shall have been decided in the affirmative or negative, any member who voted with the prevailing side may, on the next day in which the vote was taken, or within the next succeeding day of actual session, move the reconsideration thereof, unless the bill, resolution, message, report, amendment, or motion upon which the vote was taken, shall have passed out of the possession of the Senate.

56. In all cases a motion to reconsider shall be decided by a majority of the votes.

57. When the reading of a paper is called for, and the same is objected to by any member, it shall be determined by a vote of the Senate, and without debate.

QUESTIONS—MODE OF STATING AND VOTING UPON.

58. All questions shall be distinctly put by the President, and the members shall signify their assent or dissent by answering "Aye," or "No."

EQUAL DIVISION OF THE SENATE.

59. If the Senate be equally divided on any question, the Lieutenant-Governor, if present, shall give the casting vote. (Constitution, Art. IV, Sec. 16.)

60. The President of the Senate, for the time being, shall not, by virtue of his office, be entitled to give the casting vote in any case.

61. If the Senate be equally divided on any question when the Lieutenant-Governor is not present, such question or motion shall be lost.

YEAS AND NAYS.

62. On the call of three members for the yeas and nays on

any question, they shall be taken, and each member, upon his name being called, unless excused by the Senate, shall, without debate, answer "Yea," or "Nay." (Constitution, Art. III, Sec. 12.)

63. Upon the final passage of all amendments proposed to the Constitution, of all bills appropriating money or lands for any purpose, and of all other questions requiring a vote of two-thirds, except a motion to suspend the rules, the presiding officer shall call for the yeas and nays, and they shall be entered on the journal.

64. At the desire of any three members present, the yeas and nays shall be entered on the journal, and the names of the members not voting shall be recorded immediately after those voting in the affirmative and negative.

TWO-THIRDS VOTE—ON WHAT QUESTIONS REQUIRED:

65. A vote of two-thirds of all the members elected to the Senate shall be required:—

First. For the final passage of amendments to the Constitution. (Constitution, Art. VII, Sec. 1.)

Second. Bills exempting property from taxation. (Constitution, Art. VIII, Sec. 10.)

Third. Bills to revoke or repeal private corporations.

Fourth. Bills to authorize the State to borrow money.

Fifth. Bills that have been returned by the Governor, with his objections. (Constitution, Art. IV, Sec. 14.)

Sixth. Bills to reduce a county to a less area than nine hundred square miles. (Constitution, Art. IX, Sec. 1.)

Seventh. An address to the Governor for the removal of any other civil officer. (Constitution, Art. XV, Sec. 8.)

Eighth. In cases of impeachment, a vote of two-thirds shall be required to convict. (Constitution, Art. XV, Sec. 3.)

Ninth. No amendment shall be received at the third reading of a bill without the consent of two-thirds present. (See R. 37.)

Tenth. Order of business shall not be postponed or changed without a two-thirds vote. (See R. 72.)

Eleventh. No rule of the Senate shall be suspended unless by a vote of two-thirds. (See R. 71.)

Twelfth. A two-thirds vote is necessary for the expulsion of a member. (Constitution, Art. III, Sec. 11.)

SUSPENSION AND RESCISSION OF THE RULES.

66. It shall require a vote of four-fifths of the Senate to suspend the rule requiring bills to be read on three several days. (Constitution, Art. III, Sec. 32.)

67. No standing rule of order of the Senate shall be rescinded or changed without one day's notice being given of the motion therefor.

68. No motion to suspend the rules for the purpose of considering a bill or resolution out of its order shall be entertained during the morning call.

REJECTION OF BILLS, RESOLUTIONS, AND MOTIONS.

69. After a bill or resolution has been rejected by either branch of the Legislature, no bill or resolution containing the same subject shall be passed into a law during the same session. (Constitution, Art. III, Sec. 34.)

70. A bill or resolution having been indefinitely postponed, shall not be acted on during the same session; nor shall any other bill or resolution containing the same substance be passed into a law during the same session.

ELECTIONS.

71. In all elections by the Senate, the vote shall be given *viva voce*, except in the election of officers of the Senate. (Constitution, Art. III, Sec. 41.)

72. A majority of the whole number of votes shall be necessary for a choice in all elections by the Senate.

COMMITTEES.

73. All committees shall be appointed by the President, unless otherwise directed by the Senate.

74. The following standing committees shall be appointed:

1. A Judiciary Committee No. 1.
2. A Judiciary Committee No. 2.
3. A Committee on Constitutional Amendments.
4. A Committee on Educational Affairs.
5. A Committee on Internal Improvements.
6. A Committee on Finance.
7. A Committee on Private Land Claims.
8. A Committee on State Penitentiaries.

9. A Committee on Statistics of Industry, Public Health, and History of Texas.
10. A Committee on Military Affairs.
11. A Committee on Public Lands.
12. A Committee on State Affairs.
13. A Committee on Commerce and Manufactures.
14. A Committee on Public Roads, Bridges, and Ferries.
15. A Committee on Public Claims and Accounts.
16. A Committee on Contingent Expenses.
17. A Committee on General Land Office.
18. A Committee on Federal Relations.
19. A Committee on Counties and County Boundaries.
20. A Committee on Public Debt.
21. A Committee on Public Printing.
22. A Committee on Indian Affairs and Frontier Protection.
23. A Committee on State Asylums.
24. A Committee on Stock and Stockraising.
25. A Committee on Agricultural Affairs.
26. A Committee on Retrenchment and Reform.
27. A Committee on Treasurer's and Comptroller's Departments.
28. A Committee on Privileges and Elections.
29. A Committee on Public Buildings and Grounds.
30. A Committee on Revision of Senate Rules of Order, and Joint Committee on Rules of Joint Session.
31. A Committee on Engrossed Bills.
32. A Committee on Enrolled Bills.
33. A Committee on Revision of the Codes.
34. A Committee on Insurance, Statistics, and History.

COMMITTEE OF THE WHOLE.

75. It shall be in order for the Senate, at any time after bills and resolutions have been called, to resolve itself into committee of the whole.

76. In forming a committee of the whole Senate, the President shall leave the chair, and shall appoint a chairman to preside in committee.

77. When in committee of the whole, the Lieutenant-Governor shall have a right to debate and vote on all questions. (Constitution, Art. IV, Sec. 16.)

78. The rules of the Senate, as far as applicable, shall be observed in committee of the whole.

79. Upon bills committed to a committee of the whole Senate, the bill shall be read and debated by clauses, leaving the preamble to be last considered; the body of the bill shall not be defaced or interlined; but all amendments, noting the page or line, shall be duly entered by the Secretary on a separate paper, as the same shall be agreed to by the committee, and so reported to the Senate; after the report, the bill shall again be subject to be debated and amended, or committed, before a question to engross it be taken.

NOMINATIONS BY THE GOVERNOR.

80. When nominations shall be sent to the Senate by the Governor, a future day shall be assigned for action thereon, unless the Senate unanimously direct otherwise.

81. Nominations shall only be acted on in executive session.

82. All nominations approved or definitely acted on by the Senate, shall be returned to the Governor, by the Secretary, from day to day, as such proceedings may occur.

EXECUTIVE SESSION.

83. When the Senate is in executive session, the Senate Chamber and gallery shall be cleared of all persons, except the Secretaries, Doorkeeper and Assistant Doorkeeper, Sergeant-at-arms, and Assistant Sergeant-at-arms, who shall keep secret the proceedings of such session until the injunction of secrecy is removed by a unanimous vote of the Senate.

84. All information or remarks touching the character or qualifications of any person nominated by the Governor to office shall be kept secret.

85. Any officer or member convicted of violating any provision of either of the two preceding rules shall be liable, if an officer, to dismissal from the service of the Senate, and if a member, to expulsion.

MESSAGES.

86. Messages, bills, resolutions, and other papers shall be sent to the House of Representatives by the Secretary, who shall previously endorse upon them the final determination of the Senate thereon.

87. Messages may be received at any time, except while a question is being put, while the yeas and nays are being taken, or while the ballots are being counted.

JOURNAL OF THE SENATE.

88. The proceedings of the Senate, when not in committee of the whole, or in executive session, shall be entered on the journal as concisely as possible, care being taken to detail a true and accurate account of the proceedings; the titles of bills, and such parts thereof only as shall be affected by proposed amendments, shall be inserted on the journal; every report of a committee and vote of the Senate, and a brief statement of the contents of each petition, memorial, or paper presented to the Senate, shall also be inserted on the journal.

89. When a bill shall be returned to the Senate by the Governor, with his objections, they shall be entered at large upon the journal. (Constitution, Art. IV, Sec. 14.)

90. The proceedings of the Senate, when in executive session acting upon nominations made by the Governor, shall be kept in a separate and distinct book.

ADJOURNMENT.

91. A motion to adjourn shall always be in order, and shall be decided without debate.

92. The Senate shall not adjourn for more than three days, nor to any other place than that in which it may be sitting, without the concurrence of the House of Representatives. (Constitution, Art. III, Sec. 17.)

ADMISSION OF PERSONS WITHIN THE BAR OF THE SENATE CHAMBER.

93. The Governor and ex-Governors of the State, the ex-Presidents of the Republic of Texas, the members of the House of Representatives, and such other persons as the presiding officer or any member of the Senate may invite within the bar of the Senate, shall be supplied with seats therein.

94. The President of the Senate shall decide all questions not provided for by the standing rules and orders of the Senate, and joint rules and orders of both branches of the Legislature, according to parliamentary practice as laid down by modern approved authors, subject to appeal to the Senate as in other cases.

95. No motion to table an amendment shall carry with it the original bill or motion.

96. Pending the consideration of any question before the

Senate, any Senator may call for the previous question, and, if seconded by five Senators, the presiding officer shall submit the question, "Shall the main question be now put?" and if a majority vote in favor of it, the main question shall be ordered, the effect of which shall be to cut off all further amendments and debate and bring the Senate to a direct vote — first, upon pending amendments and motions, if there be any; then upon the main proposition. The main question may be ordered on any pending amendment or motion before the Senate as a separate proposition, and be exhausted upon a decisive vote upon said amendment or motion.
